

**REMARKS/ARGUMENTS**

Claims 35-66 and 69 remain in the application for further prosecution. Claims 35, 38-39, 42, 44, 48, 54, 59 and 69 have been amended. Claims 44-53, 59-66 and 69 which were previously withdrawn are now pending in light of the previous arguments made for traversing the restriction requirement and acknowledged by the current Office Action.

**Claim Rejections – 35 U.S.C. § 103**

Claims 35-66 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,648,754 B2 (“Baerlocher”).

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher, as applied to claims above, and further in view of U.S. Patent No. 6,224,484 B1 (“Okuda”).

**Personal Interview and Interview Summary**

The Applicant notes with appreciation the interview conducted with Examiners Hsu and Hotaling on July 9, 2008. In the Interview, applicant reviewed the features of proposed amended claim 35 in view of the cited Baerlocher reference.

The Applicant agrees with the Interview Summary Sheet provided at the end of the interview reflecting the discussion with the Examiners regarding distinguishing Baerlocher.

Claims 35 has been amended to require “accepting a player wager at a gaming terminal of a plurality of gaming terminals, each of said plurality of gaming terminals being eligible for at least one progressive game payoff” and “funding said progressive game payoff from a percentage of the player wagers, including said player wager, at said plurality of gaming terminals.” Claims 44, 54, 59 and 69 have been similarly amended. Baerlocher does not disclose a progressive award funded by a percentage of wagers from a plurality of gaming terminals. The Office Action has asserted that one of ordinary skill would modify Baerlocher with a progressive award. Applicant respectfully disagrees. The nature of the Baerlocher game

is to have numerous individual awards as shown in Fig. 6. The replacement of each of the individual awards with progressive awards requiring their own funding from player wagers as now required by the claims would make applying progressive awards to the numerous awards on the “ramp” disclosed in Baerlocher undesirable and difficult to administer.

Claim 35 has also been amended to require that a credit award is awarded “in response to said player selecting at least one of said player-selectable game elements not in said certain set of said player-selectable game elements.” Similarly claim 54 has been amended to award “a credit award in addition to any progressive game payoff” for selection of game elements that do not trigger a progressive award. Baerlocher does not allow award of both a progressive payoff and a credit award for other selections in addition to the progressive payoff. A player in Baerlocher is only eligible for the award or the consolation prize since in Baerlocher if a player stops on the ramp, they are awarded the appropriate award associated with the step in Fig. 6 and if the player exceeds the number of steps and reaches the termination limit, they will receive the consolation prize. Baerlocher does not therefore award both a game payoff in response to a player selecting one set of game elements and a credit award in response to the player selecting another set of elements as now required by these claims.

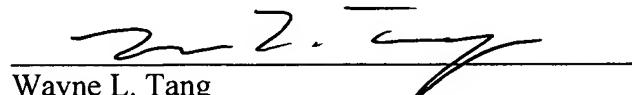
**Conclusion**

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

Date: July 17, 2008

  
Wayne L. Tang  
Reg. No. 36,028  
NIXON PEABODY LLP.  
161 N. Clark Street, 48<sup>th</sup> Floor  
Chicago, Illinois 60601-3213  
(312) 425-3900  
Attorney for Applicants